

SB 1616 (Kuehl)
THE FAIR CHANCE ACT: Preventing Recidivism by Supporting Youth
Sponsor: National Center for Youth Law

California Youth Released from Incarceration Lack Access to Vital Benefit Programs

Each year, more than 2,000 youth are released from California's Division of Juvenile Justice (DJJ), formerly called the California Youth Authority (CYA). Many of these youth suffer from severe mental health problems and disabilities, which hamper their successful reentry into their communities. In fact, CYA estimated in 2001 that 71% of male wards have 3 – 5 diagnosable mental health disorders and 82% of female wards have 3 – 9 diagnosable disorders.¹ Further, 85% have substance abuse problems.² In order to successfully reintegrate into their communities, these youth must have immediate access, upon their release, to vital benefits and services for which they are eligible, such as Medi-Cal and Supplemental Security Income. However, at the present time, little effort is made to ensure that youth who are receiving these benefits at the time they are locked up retain their eligibility for them during incarceration so they may start receiving them immediately upon release, or to ensure that applications are processed prior to release for youth who are likely to be but not yet deemed eligible for benefits.. Not surprisingly, because inadequate efforts are made to obtain benefits for youth that are necessary for them to succeed in the community, 76% of these youth are re-arrested within 42 months of release.³

SSI/SSP and Medi-Cal Provide Essential Safeguards that aid in transition and reduce recidivism.

Ensuring that incarcerated youth have immediate access to health care and cash assistance upon release will help ensure successful reentry into their communities and reduce recidivism in California. In fact, recent studies have shown that youth who receive structured and meaningful mental health treatment have recidivism rates 25% lower than those that go untreated.⁴ The most successful mental health programs have been shown to reduce recidivism rates up to 80%.⁵ Further, these federal benefits will save California money in caring for these vulnerable youth, while increasing the quality and level of services they receive.⁶

Increasing Access to Benefits, Maintaining Eligibility for Benefits, and Ensuring Children Have the Means to Successfully Transition Back Into their Communities:

The Fair Chance Act will assist youth with disabilities in maintaining their eligibility for Medi-Cal and SSI benefits while they are incarcerated and in applying for benefits so that, upon release, all eligible youth with disabilities immediately begin to receive the benefits for which they are eligible by:

- Directing the Division of Juvenile Justice and the Department of Health Services to adopt policies and procedures that enable youth with disabilities, upon release from incarceration, to participate in federal/state benefit programs for which they qualify.
- Directing the Division of Juvenile Justice and the Department of Health Services to expeditiously reinstate and/or enroll youth with disabilities in federal/state benefit programs for which they are eligible immediately upon their release.

By instituting these changes, the Fair Chance Act will greatly improve outcomes for youth, ensure that more youth successfully reintegrate into their communities, and reduce recidivism in California.

¹ Hans Steiner, Keith Humphreys, Allison Redlich, *The Assessment of the Mental Health System of the California Youth Authority: Report to Governor Gray Davis*, Stanford University (December 31, 2001).

² Id.

³ *Drug Testing for Youthful Offenders on Parole: An Experimental Study*, Department of Youth Authority, Research Division (August 1998).

⁴ Coalition for Juvenile Justice, *Mental Health Needs of Youth and Young Offenders*, available at <http://www.juvjustice.org/resources/fs002.html> (2002)

⁵ Id.

⁶ Commonweal, *California Youth Authority Fiscal Year 2004/2005 Appropriations for Institutions, Camps and Education divided by year end institutional population* (The annual cost of incarcerating a single youth is \$92,545 per year).